

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 1, 2011

Deputy Omar Escobar, #[redacted]

Dear Deputy Escobar:

On June 3, 2011, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2289534. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated August 19, 2011, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of one (1) day. However, pursuant to the EBD agreement, the one (1) day will be held in abeyance for a period of twelve (12) months which will end on August 18, 2012. All Department records will reflect, nevertheless, that you received a one (1) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the one (1) day held in abeyance will be imposed.

An investigation under File Number IAB 2289534, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about June 5, 2010, you failed to properly perform and/or failed to take appropriate action during the incident as evidenced by, but not limited to:

   a) your ability to reassess and/or stop shooting at a moving vehicle when the threat it posed to a fellow deputy, Deputy Ramos, had passed.

Prior to determining this disciplinary action, the Department's Equity Oversight Panel and your unit commander have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joseph M. Gooden, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMG:md

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
East Los Angeles Station/unit Personnel File

EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Omar Escobar, Employee No. [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in IAB No. 2289534 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the one (1) day suspension shall stand.

2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold the one (1) day in abeyance pending completion of the below listed class.

3. Both parties agree and understand that the Grievant's records will reflect that the one (1) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. The Grievant further agrees to attend and complete the below listed EBD course and understands that failure to complete the course and assignments shall result in the imposition of the one (1) day held in abeyance:

- Lieutenant's Interactive Forum for Education (LIFE) class (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process

5. The Department may adjust the Grievant's schedule to participate in EBD courses and EBD items, as EBD is conducted on-duty.

6. The Grievant agrees to cooperate with his Unit Commander to complete the courses as soon as practicable, but no longer than one (1) year from the date of execution of this EBD Agreement.

7. The Grievant further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

8. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

9. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter referred to herein.

10. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.

12. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 08-17-11

Omar Escobar, Deputy

Date: 8/19/11

Neal Tyler, Chief

((



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 3, 2011

Deputy Omar Escobar, #[redacted]

Dear Deputy Escobar:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of one (1) day.

An investigation under IAB File Number 2289534, conducted by the Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about June 5, 2010, you failed to properly perform and/or failed to take appropriate action during the incident as evidenced by, but not limited to:

   a) your ability to reassess and/or stop shooting at a moving vehicle when the threat it posed to a fellow deputy, Deputy Ramos, had passed.

Prior to determining this disciplinary action, the Executive Force Review Committee and your unit commander have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding. If, however, you are currently on some type of authorized leave, or are otherwise incapacitated or unavailable, you may opt to contact your unit commander, in writing, and request that this matter be held in abeyance until such time as you are released by your physician, or are able to return work.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Joseph M. Gooden, Captain
Internal Affairs Bureau

JMG:md

c: Advocacy Unit
Employee Relations Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2289534)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition Of Service"

DATE: June 2, 2011
FILE: SH2267995
FO2279164

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE ASSISTANT SHERIFF

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on June 5, 2010.

The Committee met on May 18, 2011, and consisted of me, Commander Daryl Evans, Custody Operations Division, and Commander Michael J. Rothans, Field Operations Region III.

The Committee deemed the forced used by Deputy Omar Escobar #[redacted] was within Department policy.

The case was forwarded to Assistant Sheriff Paul Tanaka for further disposition

The Assistant Sheriff Tanaka deemed:

- as **Founded**, the allegation that Deputy Omar Escobar #[redacted] violated the Department's Manual of Policy and Procedures, Section 3-01/050.10. Performance to Standards, on or about June 5, 2010, he failed to properly perform his duties and/or failed to safely conform to work standards established for his position and/or failed to take appropriate action during the incident as evidenced by, but not limited to:

  a) His inability to reassess and/or stop shooting at a moving vehicle when the threat it posed to a fellow deputy, Deputy Ramos, had passed.

The Committee recommended that Deputy Omar Escobar #[redacted] receive **a suspension with loss of pay and benefits for 1 days**.

DISPOSITION WORKSHEET

Re: SH2267995
FO2279164
Subject: **Omar Escobar #[redacted]**
Investigator: Sergeant Dinah Grote #[redacted]
Advocate: Ara Hatamian, Advocate

SUMMARY:

On June 5, 2010, East Los Angeles Station Deputy Omar Escobar received a call of a non-injury traffic collision on the 4000 block of Noakes Street. Deputy Hugo Ramos and his partner Deputy Francis Hardiman, responded to assist.

Deputy Ramos stopped his vehicle along the north curb on Union Pacific Avenue, just west of Herbert Avenue and contacted a person who may have been involved in the collision.

Deputy Maria Maciel was driving west on Union Pacific Avenue. Deputy Ramos was on the north side of the street flagging her down. Deputy Maciel stopped her vehicle behind Deputy Ramos' patrol car, partially in the single lane of westbound traffic. Deputy Maciel turned on her rear amber and front red lights and placed her vehicle in "park" while Deputy Ramos walked over to the open window on the passenger's side of her car. As Deputy Ramos was requesting that she check for abandoned vehicles, he suddenly yelled at her to get out of the way.

Looking into her rearview mirror, Deputy Maciel saw a vehicle traveling toward her. Deputy Maciel did not have enough time to exit her vehicle so she placed her vehicle in "drive." The vehicle, driven by Suspect Felix Lopez, collided with Deputy Maciel's vehicle. Deputy Maciel's patrol car was pushed past Deputy Ramos' patrol car into the eastbound lane of traffic. Suspect Lopez's vehicle bounced back, rolling in a northeasterly direction through the intersection. Deputy Omar Escobar saw the collision and parked his vehicle on the south side of the intersection. As Deputies Escobar, Ramos, and Hardiman caught up to the vehicle on foot, they saw Suspect Lopez look in their direction and he immediately slumped over to his left side against the seat, appearing to feign injury/illness.

Deputies Ramos and Hardiman were on the passenger's side of the vehicle and Deputy Escobar was on the driver's side paralleling it as they yelled at the suspect to stop his vehicle, while simultaneously banging on the windows. The vehicle continued to roll backward and the suspect was unresponsive. The deputies used their flashlights to hit the vehicles windows in an attempt to gain entry. Deputy Escobar successfully shattered the driver's window. When the window shattered, the suspect appeared to suddenly wake up, sitting up in his seat with his eyes wide open.

The suspect looked at Deputy Ramos, turned the steering wheel to his right (north) and revved the engine. Although Suspect Lopez had a clear path of escape if he had driven forward, he appeared to intentionally turn his steering wheel/tires to the right and aimed the front of his car

toward Deputy Ramos, who was still in the intersection.

Realizing Suspect Lopez was about to run over Deputy Ramos, Deputy Escobar drew his weapon from his holster. As he did so, Suspect Lopez accelerated forward toward Deputy Ramos. Deputy Escobar fired several rounds through the broken/open driver's side window at the suspect to stop his assault. As the vehicle accelerated toward Deputy Ramos, Deputy Escobar continued to fire rounds at the suspect while taking several steps along the driver's side of the vehicle, tracking the driver until he saw Deputy Ramos safely evade the vehicle's path. The suspect drove northbound on Herbert Avenue.

Deputy Escobar advised Sheriff's Communications Center of the shooting and information regarding the wanted suspect via his radio. Deputies Ramos and Hardiman ran to their patrol vehicle and drove northbound Herbert Avenue after the suspect. The suspect vehicle was no longer in sight.

Deputies Ramos and Hardiman searched for the vehicle and found it parked in front (west) of two other vehicles in the driveway at [redacted]

As they approached the trunk area of the vehicle, Suspect Lopez opened the driver's door. Deputy Ramos ordered him to raise his hands, but he did not comply. Deputy Ramos grabbed Suspect Lopez by his shirt and shoulders. Deputy Hardiman grabbed onto one of the suspect's arms. Together, Deputies Ramos and Hardiman conducted a team-takedown of Suspect Lopez who landed face-first on the concrete driveway south of the vehicle. After a brief struggle, Suspect Lopez was handcuffed without further incident.

Suspect Lopez was not struck by gunfire. He was evaluated by the Fire Department and transported to East Los Angeles Doctor's Hospital. He complained of pain to his head, neck, and back. Suspect Lopez was treated for facial abrasions and released with an "OK to book." He was booked for Assault with a Deadly Weapon, felony Hit and Run, and Driving Under the Influence of Alcohol/Drugs.

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

1 That in violation of the **Department's Manual of Policy and Procedures, Section 3-01/050.10 (Performance to Standards)**, on or about June 5, 2010, you failed to properly perform your duties and/or failed to safely conform to work standards established for your position and/or failed to take appropriate action during the incident as evidenced by, but not limited to:

a) Your inability to reassess and/or stop shooting at a moving vehicle when the threat it posed to a fellow deputy, Deputy Ramos, had passed, and/or

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Performance to Standards	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
__X__ **Suspension with loss of pay and benefits for __1__ days**
____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

Table of Contents
#SH2267995 & FO2279164

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#SH226799 & FO2279164

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☐
03/30/11	F.O.R. I / ELA		

Incident Information

URN: 910-06274-0278-057	Date: 06/05/10 Time: 0241 hours
City or Station: ELA	Nature of Incident: Suspect involved in traffic collision, appeared to be passed out when deputies contacted him. Suspect suddenly revved engine, turned steering wheel toward Deputy Ramos and accelerated. Fearing suspect was trying to run over Dep. Ramos, Deputy Escobar fired at the driver until Deputy Ramos was no longer in danger. Suspect fled in vehicle and was apprehended one block away.
Location: [redacted] E. Union Pacific Avenue	

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard	Darkness	Accidental	Arrest Warrant
Beach	Daylight	Armed Person	**(Call)**
Business	Other	**(Fleeing Suspect)**	Observation
Freeway	**(Street Lights)**	Foot Pursuit	One Person Unit
(Industrial)		Gun Take Away	Other
Park	Weather (*circle only one*):	**(Moving Vehicle)**	Search Warrant
Parking Lot	Clear	Sniper/Ambush	Two Person Unit
(Residence)	**(Cloudy)**	Startle	Prior Activity (*circle only one*):
Rural	Fog	Struggle Involved	Detective
School	Rain	**(Traffic Stop)**	Inmate Transport
(Street)		Unarmed Person	Other
Other: ________	Distance: 2-10 ft.	Unintentional	**(Routine Patrol)**
		Vehicle Pursuit	
		Warrant Service	
Total # of Shots Fired by Deputy: 10	Total # of Shots Fired by Suspect: 0	Warning Shot	Aero Unit? ☐ Canine Unit? ☐
		Other: ________	

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
[redacted]	Ramos	Hugo	F.	**(EM)** PM Day	**(Regular)** Overtime Off Duty
[redacted]	Hardiman	Francis	X.	**(EM)** PM Day	**(Regular)** Overtime Off Duty
[redacted]	Maciel	Maria	M.	**(EM)** PM Day	**(Regular)** Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]			M.I. [redacted]
Street A[redacted]	City [redacted]	Zip [redacted]	[redacted]	[redacted]	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):	
[redacted]	Rothe	Frank	A.	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting
Employee #	Last Name	First Name	M.I	(*circle one or more*): On Duty Present during shooting	Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Richards	Mark	G.

PSTD Use Only
SH # 2267995 & FO2279164

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/05/10	0430	03/30/11	

Employee #	Last Name	First Name	M.I
[redacted]	Fredericks	Stefanie	R.
[redacted]	Grote	Dinah	L.
[redacted]	Haynes	Laura	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	Victim #2	OV					NN	
E#1	S#1	FH	BR	9	Y	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 910-06274-0278-057

Involved Employee

E 1

Employee # [redacted]	Last Name Escobar	First Name Omar	M.I. D.
Sex: M Race: H	Rank DSG	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 271T1/Em's
ShiftTime (*circle only one*): (EM circled) PM Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, (Uniform w/ Vest circled)	Other Factors:
Age: [redacted]	Height: 5' 11"	Weight: 207	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted] — Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm	# Shots 10	Weapons Fired Brand: — Caliber — # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: — Caliber — # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Plain Clothes w/ Vest, Raid Jacket no Vest, Raid Jacket w/ Vest, Uniform no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ — Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: — Caliber — # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 910-06274-0278-057

Suspect Information

S 1

Last Name: Lopez	First Name: Felix	M.I.: nmn
AKA Last Name: Sanchez	First Name: Felix	M.I.:

Sex: M Race: H	Street Address[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Ph[redacted]	Ho[redacted]	Social Security #[redacted]	Driver's L[redacted]
Age: 25 D.O.B. 03/29/85	Height: 5' 08" Weight: 190	FBI # [redacted]	CII # [redacted]
Booking # 2358138	Primary Charge: 245(c) P.C.	Secondary Charge: 20001 & 23153 (A) C.V.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used: Alcohol
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History?[redacted]
Vehicle Make: Honda		Model: Accord	Year: 1991

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED, NON-HIT SHOOTING (AT A MOVING VEHICLE)
IAB#'s SH2267995 & FO2279164

URN: 910-06274-0278-057

DATE / TIME: Saturday, June 5, 2010, 0241 hours

LOCATION: [redacted] East Union Pacific Avenue, East Los Angeles, California, 90022

SUSPECT: Felix (NMN) Lopez, MH/25, DOB: 03/29/85, Booking #2358138

INVOLVED PERSONNEL:
Deputy Hugo Ramos, #[redacted] Unit 24, EM's
Deputy Francis Hardiman, #[redacted] Unit 24, EM's
Deputy Omar Escobar, #[redacted] Unit 27T1,EM's

Internal Affairs Bureau Sergeants Dinah Grote, Laura Haynes, and Lieutenant Fredericks, responded to the 1200 block of South Herbert Avenue, East Los Angeles, where Deputy Maria Maciel (formerly Carpenter) had been involved in a traffic collision, and Deputy Omar Escobar had been involved in a shooting.

Upon our arrival there was a command post and containment of the area. We then learned the suspect fled in his vehicle and shortly after fleeing, he was located in his parked vehicle in a residential driveway by Deputies Hugo Ramos and Francis Hardiman. Deputy Ramos conducted a team-takedown of the suspect and handcuffed him without further incident.

As a result of the collision, Deputy Maciel (Carpenter) complained of pain to her head, neck, shoulder, and back. She was transported via an ambulance to Beverly Hospital where she was treated and released. The suspect sustained minor scrapes to his face and he complained of pain to his head, neck, and back. Attorney Michael Gennaco of the Office of Independent Review was also notified and responded.

Lieutenant Stefanie Fredericks checked to see that Watch Commander, Lieutenant Mark Richards, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative.

In addition, Lieutenant Fredericks checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators. The same information was passed on by Lieutenant Fredericks to Lennox Station Sergeant [redacted] *who was at the station.*

IAB Note: Shortly after this incident, Deputy Maria Carpenter changed her last name to Maciel. Hereinafter, she will be referred to as Maria Maciel.

SYNOPSIS:

On June 5, 2010, East Los Angeles Station Deputy Omar Escobar received a call of a non-injury traffic collision on the 4000 block of Noakes Street, involving a red four-door sedan colliding into a building. Deputy Hugo Ramos, and his partner Deputy Francis Hardiman, responded to the area to assist in the call. Driving west on Union Pacific Avenue at Herbert Avenue, they saw a male [redacted] walking west on the north sidewalk of Union Pacific Avenue from Herbert Avenue. As the male walked, he was swaying while talking on a cellular telephone.

Deputy Ramos stopped his vehicle along the north curb on Union Pacific Avenue, just west of Herbert Avenue, and conducted a pedestrian stop of the male to ascertain if he had possibly been involved in the collision, then abandoned his vehicle and was calling for a ride. As they spoke to Mr. [redacted] they determined he was under the influence of alcohol and/or drugs. Shortly after, Deputy Maria Maciel was driving west on Union Pacific Avenue at Herbert Avenue toward the traffic collision call, when she saw a parked west facing patrol vehicle with its amber lights flashing. Deputy Ramos was on the north side of the street flagging her down as Deputy Hardiman stood on the sidewalk.

Deputy Maciel stopped her vehicle behind Deputy Ramos' patrol car, slightly south and partially in the single lane of westbound traffic. Deputy Maciel turned on her rear amber and front red lights and placed her vehicle in "park" mode while Deputy Ramos walked over to the open window on the passenger's side of her car. As Deputy Ramos was requesting that she check for abandoned vehicles, he suddenly yelled at her to get out of the way.

Looking into her rearview mirror, Deputy Maciel saw a vehicle traveling west toward her. Deputy Maciel did not have enough time to exit her vehicle, so she placed her vehicle in "drive" mode. The vehicle, a maroon four door, 1991, Honda Accord, driven by Suspect Felix Lopez, entered the intersection and began to brake causing his tires to skid as he collided into the rear of Deputy Maciel's vehicle. This caused Deputy Maciel's patrol car to be pushed westbound past Deputy Ramos' patrol car, across and into the eastbound lane of traffic. As Suspect Lopez's front bumper collided into Deputy Maciel's rear bumper, it bounced off going backwards, rolling in a northeasterly direction through the intersection. Deputy Omar Escobar, who was driving northbound on Herbert Avenue, just south of

Union Pacific Avenue, saw the collision.

Escobar parked his vehicle on the south side of the intersection. As Deputies Escobar, Ramos, and Hardiman caught up to the vehicle on foot, they saw Suspect Lopez look in their direction and he immediately slumped over to his left side against the seat. It appeared to Deputies Hardiman and Escobar that Suspect Lopez was feigning injury/illness.

Deputies Ramos and Hardiman were on the passenger's side of the vehicle (north) and Deputy Escobar was on the driver's side (south) paralleling it as they yelled at the suspect to stop his vehicle, while simultaneously banging on the windows of the locked vehicle. The vehicle continued to roll backwards and the suspect was unresponsive, so Deputy Ramos used his flashlight to hit the passenger's side window of the car. After doing so, Ramos lost his grip on the flashlight and stopped in the intersection to regain control of it. Deputies Hardiman and Escobar used their flashlights in an attempt to gain entry into the vehicle. Deputy Escobar successfully shattered the driver's window with his flashlight. When the window shattered, the suspect appeared to suddenly wake up, sitting up in his seat with his eyes wide open.

The suspect looked at Deputy Ramos, turned the steering wheel to his right (north) and revved the engine. Although Suspect Lopez had a clear path of escape if he had driven forward, he appeared to intentionally turn his steering wheel/tires to the right and aimed the front of his car toward Deputy Ramos, who was still in the intersection. Deputy Escobar saw Suspect Lopez's actions.

Realizing Suspect Lopez was about to run over Deputy Ramos, Deputy Escobar began to remove his weapon from his holster. While pulling it out, Suspect Lopez accelerated forward toward Deputy Ramos, so Deputy Escobar fired several rounds into the broken/open driver's side window at the suspect to stop his assault. As the vehicle accelerated toward Deputy Ramos (northwest), Deputy Escobar continued to fire rounds at the suspect while taking several steps along the driver's side of the vehicle, tracking the driver until he saw Deputy Ramos safely evade the vehicle's path. The suspect drove north bound on Herbert Avenue.

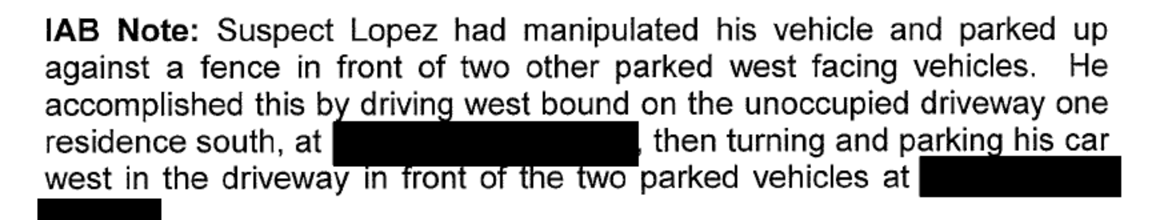
After firing ten rounds at the suspect, Deputy Escobar re-holstered his weapon. He then advised Sheriff's Communications Center of his shooting and information regarding the wanted suspect/vehicle via his radio. As he did, Deputies Ramos and Hardiman ran to their patrol vehicle, put it in reverse, and drove northbound Herbert Avenue after the suspect. The suspect vehicle was no longer in sight.

Deputies Ramos and Hardiman stopped at Olympic Boulevard and looked westbound. They saw a fire truck parked along the southwest curb on Olympic, obstructing a driver's view to make the westbound turn. Looking and turning east bound, they did not see any vehicles in front of them. As they passed Record Avenue, they looked southbound and

saw a vehicle's brake lights, mid-block, turn west into a driveway on the west side of the street.

Deputy Maciel heard the gunshots from inside her vehicle and turned to look back. She saw Suspect Lopez drive north on Herbert Avenue, so she drove west on Union Pacific Avenue, then north bound Gage Avenue. When she reached Olympic Boulevard, she saw a patrol car turn east bound, so she turned east bound to follow.

Turning south bound on Record Avenue, Deputies Ramos and Hardiman stopped their patrol vehicle mid-block where they had last seen the vehicle. Shining their flashlights down the driveway (west), they saw the suspect vehicle parked in front (west) of two other vehicles in the driveway at [redacted].



IAB Note: Suspect Lopez had manipulated his vehicle and parked up against a fence in front of two other parked west facing vehicles. He accomplished this by driving west bound on the unoccupied driveway one residence south, at [redacted], then turning and parking his car west in the driveway in front of the two parked vehicles at [redacted]

As they approached the trunk area of the vehicle, Suspect Lopez opened the driver's door. Deputy Ramos ordered him to raise his hands, but he did not comply by as he started to step out. Deputy Ramos grabbed Suspect Lopez by his shirt/shoulders and attempted to pull him to the ground. Deputy Hardiman arrived and grabbed onto one of the suspect's arms. Together, Deputies Ramos and Hardiman conducted a team-takedown of Suspect Lopez who landed face-first on the concrete driveway south of the vehicle. Due to the suspect's resistance and after a brief struggle, Suspect Lopez was handcuffed without further incident. Deputy Ramos advised via radio that they were "Code 4," and detaining the suspect.

Deputy Maciel parked her vehicle behind Deputies Ramos and Hardiman's car and saw the Fire Department was already on-scene, so she asked for medical assistance. She was treated on-scene and transported via an ambulance to Beverly Hospital with complaint of head, neck, shoulder, and back pain. She was treated and released to go home. Deputy Maciel remained off-duty until July 7, 2010, returning to full-duty status on July 8, 2010.

Deputy Ramos sustained a small cut on the middle finger of his right hand. He believes he obtained this cut near the shattered driver's side window. He did not request nor require medical treatment.

Although Suspect Lopez was not struck by gunshots, he was checked on-scene by the Fire Department and transported to East Los Angeles Doctor's Hospital for further evaluation. He complained of pain to his head, neck, and back. At the hospital, Suspect Lopez was

treated for facial abrasions by Emergency Room Doctor Dissanynree and released with an "okay to book." He was booked for Assault with a Deadly Weapon, felony Hit and Run, and Driving Under the Influence of Alcohol/Drugs.

East Los Angeles, California Highway Police Officer [redacted] responded and conducted the traffic investigation regarding the hit-and-run collision ***(Exhibit I)***.

The suspect's vehicle was struck five times and two nearby parked vehicles were struck by the gunfire. No civilians were injured in this incident.

INVOLVED PERSONNEL:

RAMOS, Hugo F.
Deputy Sheriff, Employee # [redacted]
F.O.R. I/East Los Angeles Station - Patrol

WORK HISTORY:

Date of Employment:	09/27/1995
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incident(s):	[redacted]

HARDIMAN, Francis X.
Deputy Sheriff, Employee # [redacted]
Homeland Security/Transit Services Bureau - North

WORK HISTORY:

Date of Employment:	04/30/2007
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incident(s):	[redacted]

ESCOBAR, Omar D.
Deputy Sheriff, Employee # [redacted]
F.O.R. I/East Los Angeles Station - Patrol

WORK HISTORY:

Date of Employment:	01/04/2001
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

EMPLOYEE WITNESS:

MACIEL, Maria M.
Deputy, Employee [redacted]
Field Operations I/East Los Angeles Station - Patrol

NON-EMPLOYEE WITNESSES:

[redacted] MH/43, DOB: [redacted] cell number [redacted] work number [redacted]

SUSPECT INFORMATION:

LOPEZ, Felix, NMN, MH/25, DOB: 03/29/85, 5' 08", 190 lbs.
[redacted]
Home phone - [redacted]

CII [redacted] CCHRS [redacted] MAIN [redacted]

A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that prior to this incident, Suspect Lopez [redacted] Refer to a copy of his booking packet and CCHRS printouts, presented as ***Exhibit L*** and ***M***.

INJURIES:

Deputy Maciel complained of head, back, and neck pain.

Deputy Ramos sustained a minor cut on the middle finger of his right hand. He did not request nor require medical treatment.

Suspect Lopez sustained several minor abrasions to the left and right side of his face. He complained of head, neck, and back pain.

There were no injuries to Deputies Hardiman and Escobar nor to any civilians.

PHYSICAL EVIDENCE:

Located on the north side of Union Pacific Avenue near the northeast corner of Herbert Avenue were 10 expended 9mm shell casings. Located just east of the casings were broken pieces of glass in the street. Two bullet strike marks were located in the street on the north side of the intersections of Union Pacific Avenue and Herbert Avenue.

In addition, east/west tire skid marks were located on the north side of Union Pacific Avenue at the intersection of Herbert Avenue. The two skids were parallel to each other, starting near the middle of the intersection and traveling just past the west side of Herbert Avenue. They were approximately 34 feet in length.
Located near the front tire of a parked south facing vehicle at the west curb of Herbert Avenue was a bullet fragment. Two vehicles north of this vehicle, another bullet fragment was located inside the front compartment of the parked vehicle.

Located at the suspect's arrest site on Record Avenue was the suspect's vehicle, which contained bullet holes. On the ground adjacent to the driver's side door was a set of miscellaneous keys and currency. The suspect's vehicle was impounded, refer to a copy of the CHP-180 Vehicle report, presented as ***Exhibit K***.

The evidence was documented and photographed by Forensic Identification Specialists (FIS) David Alonso and Martin Mutuc, assisted by Firearms Examiner Tracy Peck. Also, Mr. Alonso documented the evidence through a sketch and measurements (Legend). For further regarding the above collection of evidence, refer to Firearms Examiner Tracy Peck's supplemental report in ***Exhibit Y***. Regarding documentation of evidence and photographs of the crime scene, refer to FIS Martin Mutuc's supplemental report and CD containing photographs, in ***Exhibit Z***, and FIS David Alonso's supplemental report and sketches, in ***Exhibit's AA and BB***.

Also, Deputy Christopher Wargo transported Suspect Lopez to East Los Angeles Hospital where a blood sample was drawn to determine his blood alcohol content. For further, refer to Deputy Wargo's supplemental report in ***Exhibit T***, and the blood content results form in ***Exhibit CC***.

INVESTIGATORS' OBSERVATIONS:

The area of this incident is both residential and industrial. The streets, Union Pacific Avenue and Herbert Avenue, intersect and are controlled by four-way traffic lights. There is a marked pedestrian crosswalk on all four corners with four posted overhead lamps near three of the four corners. There is one lane of traffic in all directions, along with curb side parking.

Union Pacific Avenue is an east/west street. The south side of Union Pacific Avenue consists mostly of industrial/commercial buildings and the north side is a residential neighborhood comprised primarily of single family dwellings. There is curbside parking on both the north and south sides of the street, along with a sidewalk with a raised curb.

Herbert Avenue is a north/south street that is comprised both of single family dwellings and two-houses-on-a-lot properties. There is curbside parking on both the east and west sides of the street, along with a sidewalk with a raised curb.

The first street north of Herbert Avenue is Olympic Boulevard, an east/west street. The first street west of and parallel to Herbert Avenue is Gage Avenue. The first street east of and parallel to Herbert Avenue is Record Avenue. Both Gage and Record Avenue's consist of single family dwellings and multi unit apartments.
For further, refer to the sketches by Forensic Identification Specialist David Alonso, presented in ***Exhibit BB***.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Omar Escobar carried his duty firearm, a 9mm Luger caliber, department-issued, Beretta, Model 92FS, semiautomatic, serial #BE[redacted] with "WIN" 9mm Luger brand ammunition. Deputy Escobar carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired 10 rounds. Following the shooting, Deputy Escobar's handgun was recovered. He had five live rounds in his magazine and one in the chamber. The ammunition did not appear to be modified in any way.

The handgun and ammunition were submitted to Firearms Examiner Tracy Peck at the scene under receipt number K192672. She later test-fired the firearm and found it to be functional and within department standards. For further, refer to her supplemental report, presented as ***Exhibit X***.

Previous to this shooting, Deputy Escobar last qualified with his firearm on [redacted]
For further, refer to his Weapons, Shooting, and Training Records, presented as ***Exhibit G***.

WEAPON USED BY THE SUSPECT:

Suspect Lopez used his vehicle and accelerated toward Deputy Ramos.

PROPERTY DAMAGE:

The patrol car (SD6246) driven by Deputy Maciel sustained minor damage to the rear bumper. For further, refer to a copy of the Traffic Collision Report by the East Los Angeles Station - California Highway Patrol Officer [redacted] #[redacted] under ***Exhibit I***,

and the Supervisor's Report of Damage to County Vehicle and copy of the Report of Vehicle Accident report by Sergeant Frank Rothe, listed in ***Exhibit J***.

The suspect's vehicle, a four-door, burgundy Honda Accord, had a broken front driver's side window with minor front bumper and hood damage. There were five bullet holes on the vehicle. Two were to the rear window, one was to the rear face of the trunk lid, and two were to the rear bumper. Two bullets and one fragment were recovered from the vehicle.

A parked blue Chevrolet Suburban had a bullet strike on the metal between the front and rear driver's side door frame. The strike mark appeared to have traveled in a northwest direction and possibly was associated with the bullet striking the below vehicle (Ford Taurus), which was parked two vehicles north of this one.

A parked green Ford Taurus had a bullet hole in the front windshield. The bullet fragmented upon impact. One fragment ricocheted off the windshield and was located on the street adjacent to the vehicle. Another fragment passed through the windshield and impacted the driver's visor and adjacent head liner. A bullet fragment was located on a child's seat in the car.

The roadway was struck by two bullet impacts in the intersection just north of the north curb line of Union Pacific Avenue. For further, refer to the supplemental reports by Firearms Examine Tracy Peck and Forensics Identification Specialist's David Alonso and Martin Mutuc re: Evidence List , Investigation, sketches, and CD containing photographed evidence, presented in ***Exhibit's Y, Z, AA, BB***.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	ELA Station Detective John Mosquera #[redacted]
Court:	Criminal Courts Building
Charges Filed:	245 © P.C., 20001, 23153 (A) and 23153 (B) C.V.C.
DA Case Number:	BA372633

On June 7, 2010, a Surety Bail Bond/Release was posted for Suspect Lopez and he was released. On June 17, 2010, Detective Mosquera received the results from Suspect Lopez's blood sample submitted to the Crime Lab. The test returned with a .20 blood/alcohol content.

On June 18, 2010, Deputy District Attorney Mary Ganahl filed the above charges against Suspect Lopez. The charge of 245 © P.C. was dismissed by the court. For further, refer to Detective Mosquera's supplemental report and a copy of the Crime Lab Test Result form listed in ***Exhibit CC***.

On February 14, 2011, Suspect Lopez was convicted of 20001 and 23153 (B) C.V.C. He was sentenced to 13 days in County Jail or fine, and placed on formal probation for three years and five days. For further, refer to the District Attorney's filing Complaint listed under ***Exhibit DD***.

LIGHTING AND WEATHER CONDITIONS:

It was a cool, overcast night. The shooting location was well lit by four posted overhead street lights located near the intersection, as well as controlled traffic signals. Also, the two parked black and white patrol vehicles had their driving lights, headlamps, and rear amber lights on during the shooting.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Hugo Ramos *was interviewed by East Los Angeles Station Detective Steven Hernandez and IAB Sergeant's Dinah Grote and Laura Haynes on June 5, 2010, at 1102 hours, at East Los Angeles Sheriff's Station. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcribed Interviews*** *section of the casebook.*

Deputy Ramos (driver) stated he and his partner, Deputy Francis Hardiman, responded to assist Deputy Omar Escobar regarding a traffic collision involving a vehicle that crashed into a building. Deputy Ramos drove west bound on Union Pacific Avenue in the area of the traffic collision. He saw a male Hispanic standing on the northwest corner of Union Pacific Avenue and Herbert Avenue, talking on a cellular phone. Believing the male had possibly been involved in the collision, and was trying to call someone to pick him up, Deputy Ramos stopped his patrol vehicle parallel to the north curb line at the corner of Union Pacific and Herbert Avenues. He made contact with the male [redacted] on the sidewalk.

After engaging in conversation with Mr. [redacted] Deputy Ramos realized that Mr. [redacted] appeared to be under the influence of alcohol and/or drugs, and he believed Mr. [redacted] had possibly abandoned his vehicle, so other units were advised of the detention via a handheld radio pending further investigation.

Deputy Maria Maciel drove west bound on Union Pacific Avenue toward them and stopped her vehicle adjacent to, and slightly to the rear of Deputy Ramos' patrol car in the number one lane of traffic. Deputy Ramos went to the open front passenger side window and spoke to Deputy Maciel as she sat in the driver's seat. While showing Deputy Maciel an identification card belonging to Mr. [redacted] and giving her instructions to look for a

possible abandoned vehicle, Deputy Ramos heard the loud sound of a car engine racing from the east. Looking eastbound toward the sound, Deputy Ramos saw a red Honda vehicle accelerating west bound on Union Pacific Avenue toward them at a high rate of speed, approximately 45-50 mph.

Deputy Ramos yelled at Deputy Maciel to drive away because the vehicle was going to collide into her vehicle. Simultaneously, he (Ramos) ran back toward the north sidewalk while yelling at the driver to stop his vehicle. As Deputy Ramos did this, he heard a collision behind him. When he looked back, he saw the red Honda Accord was slowly rolling backward (eastbound) as if it was in neutral, in the westbound lane of traffic. The male driver (Suspect Lopez) had slumped over to his left side and his hands were not on the steering wheel.

Not knowing if the vehicle was stolen or if the driver was drunk or had other medical problems, and because the male had slumped over, Deputy Ramos ran east bound from the sidewalk toward the passenger's side (north) of the vehicle. Deputy Hardiman followed Ramos as the vehicle continued to roll slowly backward in a northeast direction through the intersection.

Concerned the vehicle was going to collide into parked vehicles east of the intersection, Deputy Ramos yelled at the male to get his attention as he (Ramos) attempted to open the passenger's side doors, but they were locked.

Using his flashlight, Deputy Ramos attempted to break the passenger's side window. After a second unsuccessful strike to the glass, Deputy Ramos lost his grasp on the flashlight and he juggled to maintain his grasp before it fell to the ground. He stopped momentarily to pick up his flashlight. As he did this, Deputy Hardiman had now passed him and Hardiman also attempted, unsuccessfully, to break the window with his flashlight.

Deputy Ramos then saw Deputy Omar Escobar on the driver's side (south) of the vehicle attempting to break the front driver's side window as the vehicle continued to slowly roll backward. When Deputy Escobar broke the window, the male (Suspect Lopez) and sole occupant of the vehicle, woke up and looked directly at Deputy Ramos. Deputy Ramos had regained control of his flashlight was now in front area of Suspect Lopez's vehicle at an angle, off set to the right. Suspect Lopez then put the vehicle into drive and began driving toward Deputy Ramos who was on the north side of the intersection on Union Pacific Avenue.

Fearing for his life and believing Suspect Lopez was trying to run him over, Deputy Ramos decided to run in a northwest direction, but then Suspect Lopez turned his vehicle toward Deputy Ramos, so Deputy Ramos ran in a southwest direction to avoid being struck by the vehicle/suspect. As he was running, Deputy Ramos heard gunshots coming from behind him, but he did not know who was doing the shooting. Ramos was focused on getting out of the Honda Accord's path as it traveled north bound on Herbert Avenue. Deputy Ramos looked back and saw that Deputy Escobar had his gun out. He then realized Deputy Escobar was doing the shooting.

> **IAB Note:** Deputy Ramos estimated the closest distance the suspect/suspect vehicle came to hitting him was approximately within 10-15 feet. He did not know if the suspect's engine was still running after the collision or if he started it after the window was broken.

Running back to his patrol vehicle, Deputy Ramos heard Deputy Escobar putting out emergent radio traffic regarding his involvement in the shooting and the suspect vehicle information. Deputy Ramos drove north on Herbert Avenue, but the suspect vehicle was no longer in view. Stopping at Olympic Boulevard, the first west/east street, Deputy Ramos saw a fire truck on the south side of Olympic Boulevard, just west of Herbert Avenue. Believing the suspect could not turn west (left) because the fire truck would block the suspect's view, Deputy Ramos turned eastbound (right) onto Olympic Boulevard and did not see any vehicles traveling east in front of him. Driving to the first street, Record Avenue, they looked southbound and saw brake lights from a vehicle mid-block. The vehicle made a right turn (west) into a driveway and out of view.

Deputy Ramos drove south bound on Record Avenue and stopped his patrol vehicle in the area where he last saw the brake lights. Looking into the driveway at [redacted], Deputy Ramos saw a red Honda Accord parked in front (west) of two other vehicles in the driveway. Exiting their patrol car to ascertain if this was the involved vehicle, Deputy Ramos walked west bound along the south side of the driveway while Deputy Hardiman walked on his right side.

Almost immediately, Suspect Lopez opened the driver's door and placed his right hand on the door while he turned to look at Deputy Ramos. Recognizing the driver as the suspect, Deputy Ramos ordered Suspect Lopez to raise his hands in both English and Spanish, but Suspect Lopez did not comply. Now approaching the trunk area of the west facing Honda Accord, Deputy Ramos saw that the rear windshield was shattered and he confirmed that this was the involved vehicle.

Still giving the suspect orders to raise his hands, Deputy Ramos approached and with both hands grabbed Suspect Lopez's shirt by his shoulders and threw him to the ground. Suspect Lopez landed face first on the concrete driveway, south of the vehicle, and Deputy Ramos fell to the suspect's left side. On the ground Suspect Lopez continued to resist Deputy Ramos' orders to comply by moving his body from side to side and tightening up. Deputy Ramos placed his right knee across the suspect's back to hold him down as Deputy Hardiman came to the suspect's right side.

Deputy Ramos pulled the suspect left's arm behind his back while Deputy Hardiman pulled the suspect's right arm behind his back. Deputy Hardiman then handcuffed Suspect Lopez without further incident. Deputy Ramos then heard Deputy Escobar broadcasting emergent radio traffic regarding him (Ramos) chasing the suspect, so Deputy Ramos immediately advised other units via his handheld radio that he was "Code-4," detaining the suspect and provided an address. He stated Deputy Maciel was the first unit to arrive, but she was treated by Fire Department personnel in front of this location. Suspect Lopez's vehicle was eventually towed and held for evidence.

For further, refer to a copy of the CHP-180, presented as ***Exhibit K***.

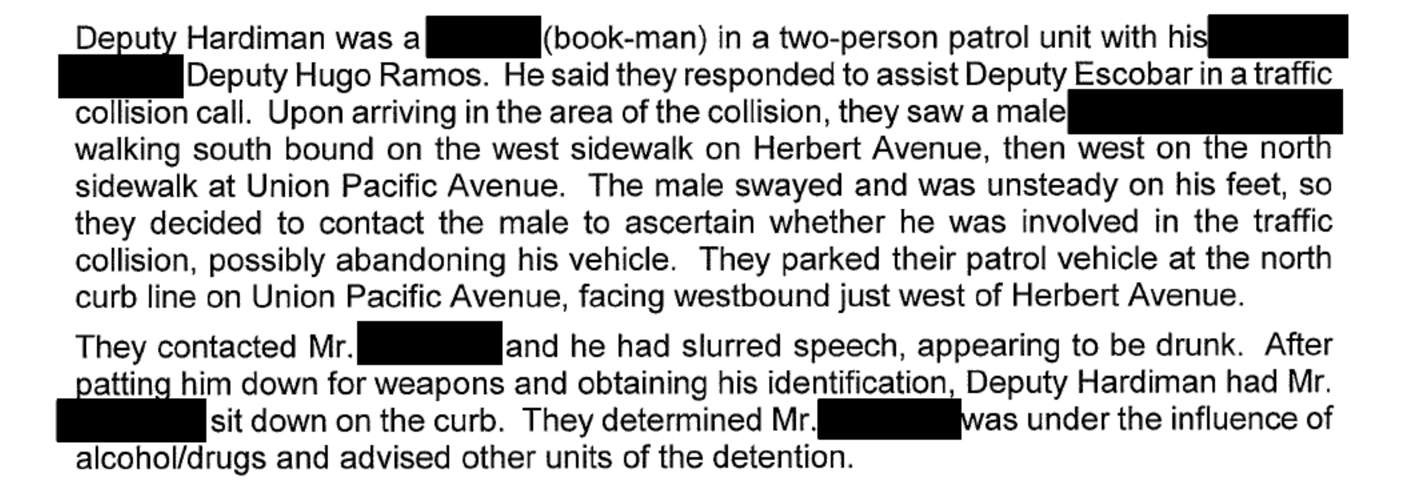
Deputy Ramos stated that after the collision he did not know what happened to Deputy Maciel. He stated his mind-set was to help assist the male (suspect) up until the suspect tried to run him over. Deputy Ramos stated that he chased after the suspect, but was not in pursuit because the vehicle was no longer on Herbert Avenue or in his view. He said Deputy Escobar assumed he was in pursuit of the suspect because he chased after him. Although Deputy Ramos saw a vehicle's brake lights on Record Avenue, he did not know if it was, or was not, the suspect to radio other units. He said he was just checking the area for the suspect vehicle.

After assisting units arrived, Deputy Ramos had another unit detain Suspect Lopez and they went back to the shooting location. After further investigation, it was learned Mr. [redacted] was not involved in the traffic collision. However, he was arrested for being drunk in public. For further, refer to the arrest report by Deputies George Ruiz and William Kitchen, Mr. [redacted] booking packet, and Detective Armando Morales' interview of Mr. [redacted] presented as ***Exhibits N, O, P,*** and ***Q***.

For further, refer to the CD containing audio of the call for service and a copy of the incident record for the call, ***Exhibit A***, and the Los Angeles County Sheriff's Department Incident Report by Deputies Moises Garcia and Paulo Cruz, ***Exhibit B***.

Regarding Deputy Ramos' use of force, refer to his supplemental report, ***Exhibit C***, and Detective Steven Hernandez's supplemental report regarding his interview of Deputy Ramos, ***Exhibit S***.

Deputy Francis Hardiman *was interviewed by IAB Sergeant's Dinah Grote and Laura Haynes on June 5, 2010, at 0942 hours, at East Los Angeles Sheriff's Station. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcribed Interviews - IAB Interview*** *section of the casebook.*



Deputy Hardiman was a [redacted] (book-man) in a two-person patrol unit with his [redacted] Deputy Hugo Ramos. He said they responded to assist Deputy Escobar in a traffic collision call. Upon arriving in the area of the collision, they saw a male [redacted] walking south bound on the west sidewalk on Herbert Avenue, then west on the north sidewalk at Union Pacific Avenue. The male swayed and was unsteady on his feet, so they decided to contact the male to ascertain whether he was involved in the traffic collision, possibly abandoning his vehicle. They parked their patrol vehicle at the north curb line on Union Pacific Avenue, facing westbound just west of Herbert Avenue.

They contacted Mr. [redacted] and he had slurred speech, appearing to be drunk. After patting him down for weapons and obtaining his identification, Deputy Hardiman had Mr. [redacted] sit down on the curb. They determined Mr. [redacted] was under the influence of alcohol/drugs and advised other units of the detention.

Deputy Hardiman saw a patrol car drive west bound on Union Pacific Avenue toward them. The patrol car, driven by Deputy Maciel, stopped parallel to their vehicle, approximately 10-15 feet to the rear of their patrol vehicle's rear bumper, in the number one lane of westbound traffic. Deputy Ramos walked over to the passenger's side front window and spoke to Deputy Maciel as she sat in the driver's seat. As Deputy Hardiman remained on the sidewalk with Mr. [redacted] he heard a vehicle approaching west bound on Union Pacific Avenue. Looking to the east, Deputy Hardiman saw a maroon Honda coming toward them, west bound at approximately 40 mph, as it either approached or entered the intersection. The driver applied his brakes and skidded until it collided into the rear bumper of Deputy Maciel's patrol car. The patrol car lurched forward west bound on Union Pacific Avenue with Deputy Maciel in the car.

> **IAB Note:** Although Deputy Hardiman saw the headlights to Deputy Maciel's patrol car were on, he did not recall if her flashers were on.

The suspect vehicle bounced off the rear bumper of Deputy Maciel's patrol vehicle and started to slowly roll backward in a northeasterly direction on Union Pacific Avenue. Using his flashlight to illuminate the passenger side compartment of the vehicle, Deputy Hardiman saw only one occupant, a male driver, Suspect Lopez, who immediately looked up and appeared to have a look of fear or surprise, realizing he just collided into a police car. It appeared to Deputy Hardiman that Suspect Lopez was "faking" or "playing possum" because he immediately slumped down, dropped his left ear to his left shoulder and then closed his eyes.

The suspect vehicle continued to roll backward at approximately five miles per hour. Deputy Hardiman looked southbound on Herbert Avenue and saw a patrol car traveling north bound, coming to a stop in the south portion of the intersection. Deputies Hardiman and Ramos ran east and caught up with the vehicle with Deputy Ramos approximately 10-15 feet ahead of Hardiman. Now walking at a brisk pace along the passenger's side (north) of the vehicle, Deputy Hardiman saw that Deputy Escobar had exited his patrol car, running in a northeast direction to the driver's side (south) of the vehicle. Deputies Hardiman and Ramos yelled out orders for the suspect to stop his vehicle, but he was not responding and the vehicle's doors were locked.

As the vehicle continued to travel in a northeast direction toward parked vehicles and a house on the north curb of Union Pacific Avenue, Deputy Ramos attempted to break the passenger's side window with his flashlight. He lost his grip on his flashlight so he stopped walking to maintain control of his flashlight. Bypassing Deputy Ramos, who had stopped on the northern side of the intersection, near the north curb line of Union Pacific and Herbert Avenues, Deputy Hardiman and Deputy Escobar used their flashlights and attempted to break a window in order to unlock the vehicle. Deputy Escobar was successful in breaking the driver's side window.

As the glass window shattered, Suspect Lopez immediately sat up and opened his eyes. With both hands on the steering wheel, looking forward and to his right in a northwest direction where Deputy Ramos was standing, Deputy Hardiman stated Suspect Lopez revved the idle engine, turned the steering wheel to the right, and accelerated toward Deputy Ramos at a high rate of speed. The vehicle traveled in a northwest direction toward Deputy Ramos, who was back-peddling in a northwest direction. The vehicle came within 10-15 feet of Deputy Ramos.

> **IAB Note:** Deputy Hardiman stated that Suspect Lopez's vehicle was facing in a slightly southwest direction, so if he had not intentionally turned the steering wheel, Suspect Lopez could have continued to drive west on Union Pacific Avenue as there was nothing in his path.

As the vehicle moved forward, Deputy Hardiman immediately backed up in a northeast direction toward the northeast corner sidewalk of Union Pacific and Herbert Avenues. As Deputy Hardiman did this, he heard several rapid and consecutive gunshots. Simultaneously, Deputy Ramos changed directions and ran southwest in an attempt to get out of the vehicle's path.

Turning to look at Deputy Escobar who was moving in a northwest direction and firing several more rapid, consecutive gunshots, Deputy Hardiman lost sight of the vehicles' placement as Deputy Escobar shot. When Escobar stopped shooting, Deputy Hardiman turned and saw the suspect vehicle drive quickly north bound on Herbert Avenue and saw Deputy Ramos was standing just west of the middle portion of the intersection.

Running toward their patrol vehicle, Deputy Hardiman saw Deputy Maciel outside of her patrol vehicle running toward them. Her vehicle was facing west bound on Union Pacific Avenue, in the eastbound lane of traffic, west of their patrol vehicle. Entering their patrol vehicle, Deputy Ramos put his car in reverse and turned northbound on Herbert Avenue, but the suspect vehicle was no longer in sight. Stopping at Olympic Boulevard, Deputy Hardiman looked to his right and did not see any vehicle lights on the east side.

Seeing a fire truck on the southwest side of the street blocking several lanes of traffic and view of the westbound lanes, they decided to turn east on Olympic Boulevard. When they arrived at Record Avenue, they saw brake lights from a vehicle mid-block, turn west into a driveway.

Turning south bound onto Record Avenue, they stopped mid-block in the area where the vehicle was last seen. Exiting their patrol car, they walked west bound onto the sidewalk in front of [redacted] Deputy Hardiman shined his flashlight down the driveway and saw a maroon Honda Accord that matched the suspect vehicle, parked in a driveway in front (west) of two other parked vehicles at the location. Deputy Hardiman walked west bound on the north side of the driveway while Deputy Ramos walked on the south side. As they walked toward the Honda, the driver's door immediately opened up and Suspect Lopez placed a foot outside the door to stand up. Deputy Hardiman then saw the top of Suspect's Lopez's head as he began to stand up.

Running to the driver's side of the vehicle, Deputy Hardiman saw Deputy Ramos' hands were stretched out holding onto Suspect Lopez's upper body, trying to pull Lopez to the ground. Deputy Ramos was facing west and the suspect was facing east. Deputy Hardiman stood on Deputy Ramos' right side (north) and grabbed onto Suspect Lopez's left arm and shoulder. He assisted Deputy Ramos in pulling Suspect Lopez to the ground, just south of the vehicle.

Deputy Hardiman stated they all fell down on the ground. He was unsure how they all landed with the exception that he was near Suspect Lopez's right arm and the suspect was on his left side, so he grabbed onto it with using both hands. Suspect Lopez was resistive as he moved his body in an attempt to get up. Deputy Hardiman yelled out commands in Spanish for Suspect Lopez to put his hands behind his back, but he did not comply. Using his lower legs and body weight to hold the suspect down, Deputy Hardiman straddled the suspect's body as he lay on his left side. Gaining control of the suspect's right arm, Deputy Hardiman placed a handcuff on his right wrist. With Suspect Lopez was on his left side, his left arm was coming upward between Deputy Hardiman's legs, so they rolled him onto his stomach. Deputy Hardiman was on Suspect Lopez's right side while Deputy Ramos was on his left side. Between both Deputy Hardiman and Deputy Ramos, they were able to pull Suspect Lopez's left arm from under his body to his back area, completing the handcuffing process without further incident.

Regarding Deputy Hardiman's use of force, refer to his supplemental report, ***Exhibit D***, and Detective Steven Hernandez's supplemental report regarding his interview of Deputy Ramos, ***Exhibit S***, as well as the verbatim transcripts of that interview, listed in the ***Transcribed Interviews - ELA DB Interview,*** section of the casebook.

Deputy Omar Escobar *was interviewed by IAB Sergeant Dinah Grote on October 6, 2010, at 1045 hours, at the IAB Commerce office. He was represented by Attorney Audra Call from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcribed Interviews - IAB Interview*** *section of the casebook.*

Deputy Escobar stated he was assigned to work as a traffic unit. He said he was assigned the handle on a traffic collision, a vehicle versus a building, non-injury call. Just prior to arriving at the location of the call for service, Deputy Ramos advised him over L-Tac that he was on Union Pacific Avenue at Herbert Avenue, detaining a male who had possibly been involved in the collision.

En route to Deputy Ramos' location, Deputy Escobar drove north bound on Herbert Avenue toward Union Pacific Avenue when he saw a patrol car parked facing west bound on the north side of Union Pacific Avenue, just west of Herbert Avenue, with its rear flashers on. Deputy Ramos was standing on the northwest corner sidewalk on the north side of the patrol car.

Approximately 75 feet south of Union Pacific Avenue, Deputy Escobar saw Deputy Maciel drive west bound through the intersection on Union Pacific Avenue. She stopped in the westbound lane of traffic, east of the rear bumper of Deputy Ramos' patrol car with her rear amber lights flashing. Approximately five seconds later and now just south of the intersection, Deputy Escobar saw a red or burgundy Honda traveling west bound on Union Pacific Avenue enter the intersection at approximately 40-45 mph, and it collided into the rear area of Deputy Maciel's patrol vehicle causing her vehicle to be pushed westbound out of his sight. The Honda began rolling backwards in a northeasterly direction through the intersection.

Deputy Escobar entered the intersection and stopped his vehicle near the southwest corner of the intersection on Union Pacific Avenue. Exiting his patrol car, Deputy Escobar ran toward the driver's side of the vehicle as it neared the middle portion of the intersection. At that point, Deputy Escobar saw the male driver had his hands on the steering wheel suddenly slumped over, appearing to Deputy Escobar that he pretended to be asleep. Deputy Hardiman came into Deputy Escobar's line of sight on the passenger's side of the vehicle (north) with Deputy Ramos behind him (northwest).

Deputy Escobar stated they walked at a fast pace, paralleling the vehicle while yelling at the driver (Suspect Lopez) to stop his car. As Deputy Hardiman attempted to break the passenger's side window with his flashlight, Deputy Escobar attempted to open the driver's door, but the door was locked.

Using his flashlight, Deputy Escobar hit the driver's window twice before it shattered. He said Deputy Hardiman was now near the north curb line on Union Pacific Avenue on the opposite side of the suspect vehicle near the front passenger's door.

Deputy Escobar stated Suspect Lopez immediately sat forward and braked his car because the vehicle came to a complete stop on Union Pacific Avenue, just east of the east curb line of Herbert Avenue. The suspect looked over at Deputy Ramos who was standing approximately 10 feet northwest of the suspect's front bumper in the intersection. Suspect Lopez turned the steering wheel to his right and revved the engine. Simultaneously, Deputy Escobar retrieved his handgun from his holster as Suspect Lopez quickly accelerated his vehicle toward Deputy Ramos.

Fearing the suspect would run over Deputy Ramos, Deputy Escobar did not have enough time to bring his second hand up to his weapon as he fired rapid, consecutive rounds down into the driver's side window at the suspect's upper torso to stop him. The suspect drove in a northwest direction toward Deputy Ramos who moved northwest, then changed directions and ran southwest to avoid being hit by the vehicle.

Deputy Escobar continued to shoot at the suspect in order to stop him from running over Deputy Ramos. As the suspect/vehicle moved away from him, Deputy Escobar said he took approximately three steps northwest with the vehicle, tracking the driver, while he continued to fire rounds at Suspect Lopez. He fired until he saw Deputy Ramos safely evade the vehicle by running in a southwest direction out of the vehicle's path.

> **IAB Note:** During the shooting, Deputy Escobar did not know how many rounds he had fired at the suspect. He estimated he fired all his rounds within two to three seconds. It was later learned that he fired ten rounds. He said he possibly could have fired from the rear of the suspect vehicle as it was turning north from his location. He said Deputy Ramos was in his peripheral vision, and not in line of fire.

Deputy Escobar re-holstered his weapon as the suspect vehicle traveled north bound on Herbert Avenue. Deputy Escobar put out emergent radio transmissions advising Sheriff's Communication Center (SCC) and area units of his shooting, along with the suspect/suspect vehicle description. As he did this, Deputies Ramos and Hardiman ran to their patrol car and headed north on Herbert Avenue, chasing after the suspect vehicle, so Deputy Escobar advised SCC of a vehicle pursuit via his radio.

> **IAB Note:** Deputy Escobar estimated that five to ten seconds had elapsed before Deputies Ramos and Hardiman drove north bound on Herbert Avenue after the suspect.

After two attempts by the SCC dispatcher to ascertain which units were in pursuit, Deputy Ramos advised via radio that they were Code 4 with a suspect in custody, providing the address of their location.

Deputy Escobar estimated that from the time he exited his patrol car and made contact with the suspect/suspect vehicle, to the time of the shooting, approximately 15-20 seconds had elapsed. He said he was parallel with the driver's side door while he was shooting. When the vehicle turned northbound away from him toward Deputy Ramos, Deputy Escobar said he would have been firing from the rear area of the vehicle at the driver.

For further, refer to Deputy Escobar's supplemental report, listed as ***Exhibit E***, and a sketch of the scene depicted by Deputy Escobar, ***Exhibit F***. Previous to this shooting, Deputy Escobar last qualified with his firearm on March 5, 2010. For further, refer to his Weapons, Shooting, and Training Records, presented as ***Exhibit G***.

Regarding the interview of Deputy Escobar, refer to Detective John Mosquera's supplemental report, ***Exhibit V***, as well as the verbatim transcripts of that interview, listed in the ***Transcribed Interviews - ELA DB Interview*** section of the casebook.

EMPLOYEE WITNESS STATEMENTS:

Deputy Maria Maciel *was interviewed by IAB Sergeant's Dinah Grote and Laura Haynes on October 6, 2010, at 1005 hours, at the IAB Commerce office. She was represented by Attorney Audra Call from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcribed Interviews-IAB Interview*** *section of the casebook.*

Deputy Maciel said she received a call to assist Deputy Escobar regarding a traffic collision call. Deputy Maciel drove west on Union Pacific Avenue. At the intersection of Herbert Avenue, she saw Deputy Ramos standing outside his vehicle, waving her down. She stopped her patrol vehicle to the rear of his west facing vehicle in the westbound lane of traffic, parallel to his vehicle. She said she had her headlights, red, and amber lights on when she stopped, and she was wearing her seatbelt.

Deputy Ramos walked to her passenger's side window and explained to her that he had detained somebody that was intoxicated and who was possibly involved in the traffic collision down the street. As Deputy Ramos was giving her some instructions, he began yelling at her to "get out of the way." Looking up to her rear view mirror, Deputy Maciel saw headlights coming toward her vehicle. Just as she put her car into "drive" to move out of the way, the car collided into the rear of her vehicle causing her vehicle to be pushed into the eastbound lane of traffic, facing west bound on Union Pacific Avenue.

Putting the vehicle into "park" mode and shaken by the collision, Deputy Maciel heard someone yelling something in English in the background behind her. Still seated, she began to open her car door when she heard approximately four to five gunshots, not recalling the sequence of the rounds. She then heard radio traffic being broadcasted so she looked back over her shoulder and saw the vehicle that collided into her driving northbound on Herbert Avenue. She estimated that from the time of the collision, only "seconds" had passed before the shooting started.

Deputy Maciel decided to go after the suspect so she drove west on Union Pacific Avenue to northbound Gage Avenue, and stopped at Olympic Boulevard. Looking eastbound, she saw a patrol vehicle turn eastbound on Olympic Boulevard from Herbert Avenue, so she turned east bound. The patrol vehicle passed Record Avenue, then made a u-turn on

Olympic Boulevard, and turned southbound on Record Avenue. Deputy Maciel turned southbound onto Record Avenue and saw the patrol car had its rear amber lights on and was parked in the street.

> **IAB Note:** Deputy Maciel recalled that there was radio traffic/transmissions as she drove southbound on Record Avenue, but she did not recall what was said. Because of her injuries, Deputy Maciel said she did not have good a recollection of the incident.

As Deputy Maciel parked her vehicle behind the patrol car, the Fire Department was already there so she contacted them regarding her neck, shoulder, and back pain. She stated she did not see Deputies Ramos or Hardiman because she was transported to Beverly Hospital, leaving her patrol vehicle on Record Avenue. She stated that when the suspect rear-ended her vehicle, the back of her head struck the metal cage behind her.

> **IAB Note:** In her ELA DB interview, she indicated that when she arrived behind Deputies Ramos and Hardiman patrol car, they had already detained someone. For further, refer to her verbatim transcripts in the ***Transcribed Interviews- ELA DB Interview*** section of the casebook.

Deputy Maciel was treated for her injuries by Doctor Aaron Castro and released to home. Due to her injuries, Deputy Maciel was placed off work and she returned back to work on July 8, 2010, to full-duty status.

For further, refer to Deputy Maciel's supplemental report, listed as ***Exhibit H***, and copies of the Traffic Collision Report, Supervisor's Report of Damage to County Vehicle, and the Report of Vehicle Accident, presented as ***Exhibit's I*** and ***J***.

Regarding the interview of Deputy Maciel, refer to Detective Armando Morales' supplemental report, ***Exhibit R***, as well as the verbatim transcripts of that interview, listed in the ***Transcribed Interviews - ELA DB Interview*** section of the casebook.

NON-EMPLOYEE WITNESS STATEMENTS:

Although [redacted] *was present during the collision and shooting, he heard both incidents, but he did not witness either. For further, refer to the copies of his arrest report, booking packet, CCHRS printouts, and supplemental report by Deputy George Ruiz, presented as* ***Exhibit's N, O,*** and ***P***. *Refer to the supplemental report by Detective*

Armando Morales regarding his interview of Mr. [redacted] ***Exhibit Q***. *Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files.*

On the morning hours of June 5, 2010, Witness [redacted] *was interviewed by the handling Unit 25, Deputies Moises Garcia and Paulo Cruz. Below is a summary of his statements. For his complete statements, refer to* ***Exhibit B***.

Mr. [redacted] stated he was looking out his living room window and saw deputies conducting a pedestrian stop on Union Pacific Avenue. He then saw a red car rear-end a patrol car and then saw it travel in reverse with Deputies Hardiman and Ramos trying to stop it. He said the vehicle came to a stop and a deputy attempted to open the driver's door. The vehicle began to move forward and a deputy broke the driver's side window, then the deputy fired numerous rounds at the vehicle as it sped north bound on Herbert Avenue, out of view.

On May 3, 2011, at 1040 hours, Mr. [redacted] *was interviewed at his work by Sergeants Dinah Grote and Laura Haynes. Mr.* [redacted] *a Spanish speaker, requested a translator. Due to the fact Mr.* [redacted] *was at work and the manager requested the interview to be expedited, the manager,* [redacted] *a Spanish translator, stated he would provide translation during the interview. Mr.* [redacted] *was read the statements written on the first report (Exhibit B), translated by Mr.* [redacted] *Mr.* [redacted] *indicated the statements were accurate. The following statements are summarized. Precise wording may be obtained by reviewing the digitally audio recorded interviews located in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews*** *section of the casebook Addendum.*

Mr. [redacted] confirmed his previous statements that were documented in the initial Incident Report. He added that the deputy (Escobar) broke the driver's side window with his baton and the shooting deputy (Escobar) was standing approximately five to seven feet from the suspect vehicle when he shot at it seven to eight times. For further regarding his complete statements, refer to the Incident Report listed in ***Exhibit B***, of the Investigative casebook.

> **IAB Note:** Mr. [redacted] cell phone number is [redacted] and his work number is [redacted]

SUSPECT STATEMENTS:

After the incident, Suspect Felix Lopez, a Spanish speaker, was interviewed on June 5, 2010, on two separate occasions by East Los Angeles Detective John Mosquera. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts, listed in the ***Transcribed Interviews*** *section of the casebook. Below is a summary of his statements.*

Suspect Felix Lopez stated that on June 4, 2010, after consuming approximately 15 Corona beers between 6pm-2am, June 5, 2010, he was hesitant to leave the bar. From Downey Road, he drove west on Union Pacific Avenue where the police stopped him in the driveway ([redacted]), and arrested him for being drunk.

> **IAB Note:** During the interview, Suspect Lopez had numerous inconsistencies regarding the events that occurred between his collision and his arrest. He stated he lost his "senses" and passed out.

Specifically, Lopez stated he did not recall colliding into a patrol vehicle, attempting to run over a deputy, or being shot at by a deputy. He did recall deputies being behind him and parking his vehicle in an unknown person's driveway to avoid apprehension.

For further, refer to copies of the Incident Report, Traffic Collision Report by CHP Officer [redacted] the storage of Suspect Lopez's vehicle, his booking packet, CCHRS printout, and injury/medical treatment, presented as ***Exhibits B, I, K, L, M,*** and ***T***.

For the complete summary of the interviews, refer to Detective John Mosquera's supplemental report, listed in ***Exhibit U***.

> **IAB Note:** Due to Suspect Lopez's level of intoxication at the time of IAB's roll out, photographs were not taken of the suspect's injuries. However, IAB requested photographs be taken upon the completion of Detective Bureau's interview of him. It was learned that Suspect Lopez bonded himself out on June 7, 2010. Therefore, no photographs were obtained of his injuries. For further regarding his release, refer to the Surety Bail Bond/Release, listed in ***Exhibit W***.

MISCELLANEOUS SECTION:

Detective Hernandez interviewed the property owner at [redacted] the location where Suspect Lopez parked his vehicle. Mr. [redacted] stated the maroon Honda Accord (suspect's) parked in his driveway did not belong to anyone at his residence. For further, refer to Detective Hernandez's supplemental report, listed in ***Exhibit S***.